

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,

V.

DANIEL SETH FRANEY.

Defendant.

NO. CR16-5073RBL

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION TO REOPEN DETENTION HEARING

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Todd Greenberg, Assistant United States Attorney for said District, hereby files this response in opposition to the Defendant's Motion to Reopen the Detention Hearing (Doc. 32).

The government opposes the reopening of the detention hearing, and submits that the record makes clear that the detention order was and is appropriate in this case. On February 8, 2016, Magistrate Judge Strombom ordered that Franey be detained based largely on the extensive facts contained in the Complaint and the search warrant filed in this matter. Those nearly 60 pages of sworn facts make clear that Franey is a danger to

1 the community and a risk of flight due to his obsession with obtaining firearms; his
2 repeated discussion of wanting to use the firearms to kill law enforcement and/or military
3 officers; his ardent support for the violent terrorist group ISIL; and his consistent
4 discussion of wanting to travel overseas to fight jihad with ISIL. The government also
5 proffered additional facts to the court at the original detention hearing.

6 Since that time, Franey entered a guilty plea to one of the charges contained in the
7 Indictment in this case. As a result, the burden is on Franey to prove by clear and
8 convincing evidence that he is neither a danger to the community nor a flight risk. *See* 18
9 U.S.C. § 3143(a). Under the present record, Franey fails woefully at meeting this burden.

10 Therefore, the government urges the court to maintain the detention order in this
11 case.

12 DATED this 29th day of September, 2016.

13 Respectfully submitted,

14 ANNETTE L. HAYES
15 UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

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